

KEVIN V. RYAN (CSBN 118321)
United States Attorney

MARK L. KROTOSKI (CSBN 138549)
Chief, Criminal Division

WILLIAM C. MARTIN (ILBN 6272668)
Assistant United States Attorney

450 Golden Gate Avenue
San Francisco, California 94102
Telephone: (415) 436-7220
Facsimile: (415) 436-7234
Email: william.c.martin@usdoj.gov

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,) Criminal No. No. 3-06-70269 EDL
Plaintiff,)
v.)
YING HER,)
Defendant.)
)
**STIPULATION AND [PROPOSED]
ORDER EXCLUDING TIME**

The parties stipulate and agree, and the Court finds and holds, as follows:

1. The above-captioned matter came before the Court on May 5, 2006 for a detention hearing. The defendant was represented by Assistant Public Defender David W. Fermino and the government was represented by William C. Martin, Assistant United States Attorney. The case was set for status on May 19, 2006 for status on posting of bond and presentation of surety.

2. The government requested an exclusion of time from May 5, 2006 to May 19, 2006 based on effective preparation and continuity of counsel. The defendant agreed to an extension of time for the preliminary hearing under Federal Rule of Criminal Procedure 5.1(d) and an

**STIPULATION AND [PROPOSED]
ORDER EXCLUDING TIME
No. 3-06-70269 EDL**

1 exclusion of time under the Speedy Trial Act. The reason for this request is that counsel for the
2 government requires additional time to investigate and provide discovery to the defendant. The
3 failure to grant the requested exclusion would unreasonably deny counsel for the defense the
4 reasonable time necessary for effective preparation, taking into account the exercise of due
5 diligence. See id. The ends of justice would be served by the Court excluding the proposed time
6 period. These ends outweigh the best interest of the public and the defendant in a speedy trial.
7 See id. § 3161(h)(8)(A). Therefore, the parties are requesting an extension of time under Rule
8 5.1(d) and an exclusion of time under the Speedy Trial Act. The parties agree that the time from
9 May 5, 2006 to May 19, 2006 should be extended under Rule 5.1(d) and excluded in computing
10 the time within which an information or indictment must be filed. See 18 U.S.C. §
11 3161(h)(8)(A) and (B)(iv).

12 5. For the reasons stated, the time period from May 5, 2006 to May 19, 2006 is extended
13 under Rule 5.1(d) and excluded from the calculation of time under the Speedy Trial Act, 18
14 U.S.C. § 3161(h)(8)(A).

15 SO STIPULATED

16
17 DATED: May 19, 2006

/s/
DAVID W. FERMINO
Attorney for the Defendant

18
19 DATED: May 19, 2006

/s/
WILLIAM C. MARTIN
Assistant United States Attorney

20 PURSUANT TO STIPULATION, IT IS SO ORDERED.

21
22 DATED: May 23, 2006



23
24
25
26
27
28
STIPULATION AND [PROPOSED]
ORDER EXCLUDING TIME
No. 3-06-70269 EDL